

REMARKS

Receipt of the Office Action mailed August 1, 2006 is acknowledged. The specification has been amended on page 20 to be consistent with Fig. 2 as helpfully pointed out by the Examiner on page 3 of the Action. Claim 1 has been amended to more specifically recite the instant inventive compound. Other formal changes have also been made to claims 1, 3, 4 and 21. No new matter has been added. Entry of the amendment and favorable reconsideration are earnestly solicited.

Objection to Drawings

The Office Action objected to drawings 2 and 5, asserting that they were “incomprehensible and lack sufficient description in the specification.” In response, applicants hereby submit higher-quality copies of both figures, which should overcome this objection.

The Office Action raises the issue that the data in Figure 2 allegedly does not support the statement on page 20 that the minimum concentration where compounds 1 and 2 show activity is $1.6\mu M$. In response, Applicants have amended the specification at page 20 to state that the concentration at which compounds 1 and 2 show activity is at least as low as $1.6 \mu M$.

Applicants note that, contrary to the indication in the Office Action, Figure 5 does not lack description in the specification, because it is described and discussed, for example in at least the first full paragraph on page 23.

Withdrawal of the objections is respectfully requested.

Claim Rejections -35 U.S.C. § 112

The Office Action rejected Claim 4 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because the term “physiologically functional derivative” is indefinite. In response, applicants have amended claim 4 to clarify that the derivatives are those of the compound defined in Claim 1. It is respectfully submitted that this amendment has overcome the rejection.

Claim 21 was also rejected under 35 U.S.C. 112, second paragraph, because the limitation “human histone deacetylase” allegedly lacked sufficient antecedent basis. Applicants have amended this claim and respectfully submit that the rejection has been overcome by the amendment.

Claim Rejections - 35 USC § 102

The Office Action rejected Claims 1 and 4 under 35 U.S.C. 102(b) over Jacobsen (U.S. Pat. No. 5,712,300). This rejection is traversed but in an effort to expedite prosecution of this case, applicants have amended claim 1 to specify that Z = CH or P. Applicants respectfully request that the Examiner reconsider and withdraw the rejection based on Jacobson.

The Office Action further rejected Claims 1-4 under 35 U.S.C. 102(b) over Beckett *et al.* (WO 98/52910). Again, in order to expedite prosecution, but without acquiescing to the reasoning in the Office Action, applicants have amended the claims to clarify the definition of X since Becket *et al* only discloses compounds outside the scope of claim 1. Therefore the present rejection is improper and should be withdrawn.

Claim Rejections - 35 USC § 103

Claims 1-4 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Frederick *et al.* (EP 0 200 377 81) in combination of Haslanger *et al.*, in particular on page 18, Example 19 discloses a cyclohexane derivative. The Examiner apparently considers the compounds of present claim 1 to be mere alternatives to the compound of Example 19 of Haslanger *et al.* Applicants respectfully traverse this rejection for at least the following reasons.

As an initial matter, it is respectfully submitted that Claim 1, is not *prima facie* obvious as alleged by the Examiner. Thus, the present rejection is improper for this reason.

Furthermore, Applicants submit that Claim 1 defines a compound which is based on an unsubstituted hydroxamic acid and which contains a non-aromatic ring system. Haslanger *et al.* do not disclose the specific combination of structural elements as defined in the instant claim 1. These specific structural elements provide unexpected and superior properties in inhibiting

human histone deacetylase as discussed in detail and demonstrated throughout the present specification.

In view of the instant amendment and foregoing remarks, Applicants believe the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 11-0553, under Order No. 2903602.7, from which the undersigned is authorized to draw.

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Respectfully submitted,

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